

SUMMARY STATEMENT

Smith v. ISIF, Docket No. 45674

The Supreme Court affirmed the decision of the Industrial Commission, that found that the Idaho Industrial Indemnity Fund was not liable to the claimant, Smith, for worker's compensation benefits. The Commission determined that Smith failed to prove he was totally and permanently disabled. Smith appealed from a motion for reconsideration that was denied by the Commission, wherein he complained that the Referee made multiple errors in his Findings of Fact and Conclusions of Law that had been subsequently adopted by the Commission. Smith alleged that the Referee determined disability at a future date rather than the date of the hearing, that he improperly interpreted a report, and that he improperly considered an excluded exhibit. The Supreme Court held that the Commission's determinations were supported by substantial and competent evidence.